

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**YOLANDA SALDIVAR #733126**

**V.**

**LORIE DAVIS**

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**W-19-CA-231-ADA**

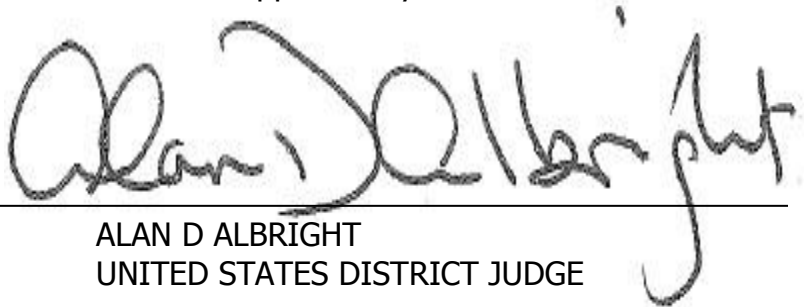
**ORDER OF DISMISSAL**

Before the Court is Petitioner's Motion for the Authorization to File a Second or Successive 2254 Federal Writ of Habeas Corpus and Certificate of Appealability. Title 28 U.S.C. § 2244(b) provides before a second or successive application for writ of habeas corpus is filed in the district court, an applicant must move in the *appropriate court of appeals* for an order authorizing the district court to consider the application. 28 U.S.C. § 2244(b)(3) (emphasis added). Petitioner mistakenly files her request for permission to file a successive application in the district court. To the extent Petitioner is seeking to file a successive application, her request is dismissed for want of jurisdiction because she must seek permission from the Fifth Circuit, not this Court. To the extent she is simply filing a habeas corpus application in this Court, pursuant to § 2244(b), the Court finds this successive application for writ of habeas corpus should be dismissed for lack of jurisdiction because Petitioner has not obtained prior approval to file a successive habeas corpus application. *See In re Epps*, 127 F.3d 364 (5th Cir. 1997).

It is therefore **ORDERED** that Petitioner's Motion for the Authorization to File a Second or Successive 2254 Federal Writ of Habeas Corpus and Certificate of Appealability is **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction, and this case is **CLOSED**.

It is finally **ORDERED** that a certificate of appealability is denied.

**SIGNED** on March 29, 2019



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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE